

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON BUSINESS AND LABOR

**Call to Order:** Chair Tom Berry, on February 11, 2015 at 8:30 A.M., in Room 172  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Tom Berry, Chair (R)  
Rep. Daniel R. Salomon, Vice Chair (R)  
Rep. Ryan Lynch, Vice Chair (D)  
Rep. Christy Clark (R)  
Rep. Willis Curdy (D)  
Rep. Steve Fitzpatrick (R)  
Rep. Chuck Hunter (D)  
Rep. George G. Kipp III (D)  
Rep. Mike Lang (R)  
Rep. David (Doc) Moore (R)  
Rep. Mark Noland (R)  
Rep. Andrea Olsen (D)  
Rep. Gordon Pierson Jr (D)  
Rep. Christopher Pope (D)  
Rep. Vince Ricci (R)  
Rep. Tom Richmond (R)  
Rep. Scott Staffanson (R)  
Rep. Tom Steenberg (D)  
Rep. Jeffrey W. Welborn (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Karen Armstrong, Committee Secretary  
Pat Murdo, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 413, 2/9/2015; HB 435, 2/9/2015; SB 76, 2/9/2015; SB 77,  
2/9/2015

Executive Action: HB 326, HB 336, HB 350, HB 360

00:00:01 Chairman Berry

**HEARING ON SB 76**

**Opening Statement by Sponsor:**

00:01:08 Sen. Gene Vuckovich (D), SD 39, opened the hearing on SB 76, Revise administrative duties for licensing boards.

**Proponents' Testimony:**

00:05:38 Judy Bovington, Chief Counsel, Department of Labor and Industry (DLI)

**EXHIBIT(buh31a01)**

00:13:04 John Gordon, Montana State Electrical Board

00:13:22 Mary Ann Guggenheim, Montana Board of Medical Examiners

00:13:53 Keith Allen, International Brotherhood of Electrical Workers, Local 233

00:14:16 John Forkan, Montana State Association of Plumbers & Pipefitters

00:14:55 Holly Franz, Montana Society of Certified Public Accountants

00:15:40 Kiely Keane, Montana Medical Association (MMA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:16:57 Rep. Salomon

00:17:22 Judy Bovington, DLI

**Closing by Sponsor:**

00:17:43 Sen. Vuckovich

00:18:35 Rep. Pierson

**HEARING ON SB 77**

**Opening Statement by Sponsor:**

00:18:48 Sen. Debby Barrett (R), SD 36, opened the hearing on SB 77, Revise laws related to board of medical examiners.

**Proponents' Testimony:**

00:20:04 Mary Ann Guggenheim, Board of Medical Examiners

00:27:14 Ian Marquand, Executive Officer, Board of Medical Examiners, Business Standards Division, Department of Labor and Industry (DLI)

**EXHIBIT(buh31a02)**

00:31:58 Mary Ann Guggenheim, Board of Medical Examiners

**EXHIBIT(buh31a03)**

00:32:14 Amy Grmoljez, Billings Clinic, Benefis, Bozeman Deaconess, St. Peters Hospital, Catholic Hospitals

00:34:37 Kiely Keane, Montana Medical Association

00:35:40 Chairman Berry

00:35:55 Dick Brown, Montana Hospital Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:37:09 Rep. Staffanson

00:37:30 Sen. Barrett

**Closing by Sponsor:**

00:37:38 Sen. Barrett

**HEARING ON HB 435**

**Opening Statement by Sponsor:**

00:38:49 Rep. Denise Hayman (D), HD 66, opened the hearing on HB 435, Revise consumer protection laws related to perishable products.

[\*\*EXHIBIT\(buh31a04\)\*\*](#)

**Proponents' Testimony:**

00:43:26 Randy Risher, Knox Flowers, Helena

00:44:19 Pamela Lee, Floral Cottage, Helena

00:45:43 Tawna Stoddard, Vice President, Montana Floral Association (MFA); Manager, Knox Flowers

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee:**

00:47:18 Rep. Ricci

00:47:33 Tawna Stoddard, MFA

00:48:08 Rep. Ricci

00:48:29 Tawna Stoddard, MFA

**Closing by Sponsor:**

00:48:53 Rep. Hayman

**HEARING ON HB 413**

**Opening Statement by Sponsor:**

00:49:39 Rep. Chuck Hunter (D), HD 83, opened the hearing on HB 413, Create OSHA laws applicable to private employers.

[\*\*EXHIBIT\(buh31a05\)\*\*](#)

[\*\*EXHIBIT\(buh31a06\)\*\*](#)

[\*\*EXHIBIT\(buh31a07\)\*\*](#)

**Proponents' Testimony:**

01:02:51 Diana Ferriter, Administrator, Employment Relations Division, Department of Labor and Industry (DLI)  
01:06:20 Chris Cavazos, Montana American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)  
01:07:36 Don Judge, Labor Co-Vice Chair, Labor Management Advisory Council (LMAC)  
01:12:45 Bob Worthington, Management Co-Chair, Labor Management Advisory Council (LMAC)  
01:15:39 Kim Rickard, Business Manager, Laborers Union, Local 1686  
01:17:04 Al Smith, Montana Trial Lawyers Association (MTLA), Labor Management Advisory Council (LMAC)  
01:20:50 Riley Johnson, National Federation of Independent Businesses (NFIB)  
01:22:18 Dustin Stewart, Montana Building Industry Association

**Opponents' Testimony:**

01:28:18 Glenn Oppel, Montana Chamber of Commerce (MCC)  
01:34:30 John Fitzpatrick, Northwestern Energy  
01:38:04 Krista Lee Evans, Montana Grain Elevator Association, Columbia Grain Montana  
01:44:15 Todd LaPlant, Mountain View Co-Op  
01:46:57 Elaine Taylor, Montana Beverage Association  
01:47:38 John Youngberg, Montana Farm Bureau  
01:49:44 Keith Allen, International Brotherhood of Electrical Workers, Local 233  
01:52:37 Jay Bodner, Montana Stockgrowers Association, Montana Cattle Women  
01:53:56 Mike Murphy, Montana Water Resources Association

**Informational Testimony:**

01:55:27 Mark Cadwallader, Montana Department of Labor and Industry (DLI)

**Questions from Committee Members and Responses:**

01:56:22 Rep. Ricci  
01:57:08 Mark Cadwallader, DLI  
01:58:17 Rep. Pierson  
01:58:31 Rep. Hunter  
01:59:03 Chairman Berry  
01:59:14 Rep. Noland  
01:59:51 Rep. Hunter  
02:00:46 Rep. Richmond  
02:01:43 Rep. Hunter  
02:01:50 Mark Cadwallader, DLI  
02:02:14 Rep. Richmond  
02:02:42 Mark Cadwallader, DLI  
02:03:47 Rep. Steenberg  
02:04:14 Mark Cadwallader, DLI  
02:05:51 Rep. Lang  
02:06:10 Mark Cadwallader, DLI  
02:07:13 Rep. Pierson  
02:07:36 Mark Cadwallader, DLI  
02:08:28 Rep. Staffanson  
02:08:53 Mark Cadwallader, DLI  
02:09:43 Rep. Staffanson

02:10:00 Mark Cadwallader, DLI  
02:10:50 Rep. Noland  
02:11:31 Elaine Taylor, Montana Beverage Association  
02:11:59 Rep. Pope  
02:13:11 Diana Ferriter, DLI  
02:13:58 Rep. Pope  
02:14:20 Diana Ferriter, DLI

**Closing by Sponsor:**

02:15:54 Rep. Hunter  
  
02:24:07 Chairman Berry  
  
02:25:03 Recessed.  
02:45:39 Reconvened with all members present.

**EXECUTIVE ACTION ON HB 360**

02:46:29 **Motion:** Rep. Salomon moved that **HB 360 DO PASS.**

**Discussion:**

02:46:46 Rep. Hunter  
02:47:10 Chairman Berry  
  
02:47:19 **Substitute Motion/Vote:** Rep. D. Moore made a substitute motion that **HB 360 BE TABLED.** Substitute Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 350**

02:47:39 **Motion:** Rep. Salomon moved that **HB 350 DO PASS.**

**Discussion:**

02:47:51 Pat Murdo, Legislative Services Division (LSD)  
  
02:48:06 **Motion:** Rep. Salomon moved that **HB 350 BE AMENDED.**  
**EXHIBIT(buh31a08)**

**Discussion:**

02:48:36 Pat Murdo, LSD  
02:49:42 Rep. Lynch  
02:50:18 Rep. Ricci  
02:50:43 Pat Murdo, LSD  
  
02:51:14 **Vote:** Motion carried unanimously by voice vote.  
  
02:51:29 **Motion/Vote:** Rep. Salomon moved that **HB 350 DO PASS AS AMENDED.**  
Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 326**

02:52:09 Chairman Berry

02:52:18 **Motion:** Rep. Salomon moved that **HB 326 DO PASS.**

02:52:29 **Motion:** Rep. Salomon moved that **HB 326 BE AMENDED.**  
**EXHIBIT(buh31a09)**

**Discussion:**

02:52:49 Rep. Lynch  
02:53:45 Rep. Noland  
02:53:56 Rep. Welborn  
02:54:07 Chairman Berry  
02:54:18 Rep. Lynch  
02:54:51 Pat Murdo, LSD  
02:55:29 Rep. Staffanson  
02:55:39 Rep. Lynch  
02:55:52 Rep. Fitzpatrick  
02:56:09 Pat Murdo, LSD

02:56:38 **Vote:** Motion carried 15-4 by roll call vote with Rep. Lang, Rep. Moore, Rep. Noland and Rep. Ricci voting no.

02:57:52 **Motion:** Rep. Salomon moved that **HB 326 DO PASS AS AMENDED.**

**Discussion:**

02:57:59 Rep. Hunter  
02:59:27 Rep. Olsen  
03:00:12 Rep. Welborn  
03:01:29 Rep. Salomon  
03:03:05 Rep. Moore  
03:03:42 Rep. Pope  
03:05:09 Rep. Fitzpatrick  
03:06:42 Rep. Lang  
03:07:13 Rep. Kipp  
03:08:30 Rep. Curdy  
03:09:30 Rep. Lynch  
03:10:12 Rep. Clark  
03:11:14 Rep. Ricci  
03:11:30 Rep. Noland  
03:12:14 Rep. Steenberg

03:12:49 **Vote:** Motion failed 9-10 by roll call vote with Rep. Berry, Rep. Clark, Rep. Fitzpatrick, Rep. Lynch, Rep. Pierson, Rep. Pope, Rep. Richmond, Rep. Salomon and Rep. Welborn voting aye.

03:13:51 **Motion/Vote:** Rep. Salomon moved that **HB 326 BE TABLED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 336**

03:14:12 **Motion:** Rep. Salomon moved that **HB 326 DO PASS**.

**Discussion:**

03:14:19 Chairman Berry

03:14:30 **Motion:** Rep. Salomon moved that **HB 326 BE AMENDED**.  
[EXHIBIT\(buh31a10\)](#)

**Discussion:**

03:14:50 Rep. Lang

03:15:43 **Vote:** Motion carried unanimously by voice vote.

03:15:52 **Motion/Vote:** Rep. Salomon moved that **HB 326 DO PASS AS AMENDED**. Motion failed 9-10 by roll call vote with Rep. Berry, Rep. Clark, Rep. Fitzpatrick, Rep. Lynch, Rep. Pierson, Rep. Pope, Rep. Richmond, Rep. Salomon and Rep. Welborn voting aye.

03:17:12 **Motion/Vote:** Rep. Salomon moved that **HB 326 BE TABLED**. Motion carried unanimously by voice vote.

03:17:05 Chairman Berry

**ADJOURNMENT**

Adjournment: 03:18:08

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT**([buh31aad.pdf](#))